

VZCZCXRO1271
RR RUEHLN RUEHSK RUEHVK RUEHYG
DE RUEHDBU #1329/01 3310617
ZNR UUUUU ZZH
R 270617Z NOV 09
FM AMEMBASSY DUSHANBE
TO RUEHC/SECSTATE WASHDC 0940
INFO RUCNCIS/CIS COLLECTIVE
RUEHDBU/AMEMBASSY DUSHANBE 2039

UNCLAS SECTION 01 OF 02 DUSHANBE 001329

SENSITIVE
SIPDIS

DEPT FOR SCA/RA AND G/TIP

E.O. 12958: N/A

TAGS: [PHUM](#) [KTIP](#) [KCRM](#) [KWMN](#) [PGOV](#) [SMIG](#) [TI](#)

SUBJECT: CULTURE CLASH AT ROUNDTABLE ON VIOLENCE AGAINST WOMEN

DUSHANBE 00001329 001.2 OF 002

¶1. (SBU) SUMMARY: At a UN-sponsored roundtable to discuss the endemic problem of violence against women in Tajikistan, representatives of NGOs and the international community forcefully argued for passage of a comprehensive, national law against domestic violence. An American Bar Association (ABA) attorney, working under a DRL project, presented recommendations to strengthen a draft law that has languished for three years. Government officials dug in their heels, said they needed more time to study a draft, and argued that financial and cultural factors should be studied in greater detail. Despite a walk-out staged by President Rahmon's representative, the roundtable passed a resolution to recommend passage of a family law "to fight against all forms of discrimination against women and girls." END SUMMARY.

STOPPING GENDER VIOLENCE: "WE CAN'T DO EVERYTHING IN ONE DAY"

¶2. (U) On November 24, the International Day for the Elimination of Violence Against Women, Amnesty International released a report documenting widespread psychological, physical, and sexual abuse of women in Tajikistan. That same day, the United Nations Development Fund for Women (UNIFEM) held a roundtable in Dushanbe to discuss measures to prevent violence against women and assess a long-delayed draft law on domestic violence. The acting representative of the UN High Commission on Human Rights delivered an overview of the UN Special Rapporteur's May 2008 report on violence against women, which estimates that between one-third and one-half of women suffer violence at the hands of their husbands or in-laws. The report documents cases of battered women resorting to suicide, including self-immolation and discusses the Rapporteur's visits to women imprisoned for killing their abusive husbands. The Rapporteur recommended passage of a comprehensive law on domestic violence and violence against women, as there is no such law in the Tajik legal code. A draft Law was completed in 2006, but it has not been introduced to Parliament for debate and passage.

¶3. (SBU) Asked to respond on behalf of the government, Yusuf Salimov, Head of the Department on Constitutional Guarantees of its Citizens, mumbled through an extended laundry list of Tajik achievements in women's rights, including ratification of the UN Convention Against All Forms of Discrimination Against Women, President Rahmon's law "On Guarantees of Equality Between Men and Women," and the appointment of ten women as Tajik diplomats. When the roundtable moderator noted that Salimov had failed to answer any of the questions raised by the Rapporteur's report, a

representative of the Presidential Apparatus, Naurus Samadov, intervened. He said the government had not yet completed its official response to the 2008 UN report, but insisted that they were working on it. "We have a lot of information that contradicts the Rapporteur's report. You can't ask us to do everything in one day! We are trying to do what we can, when we can. We are working thoroughly."

GOVERNMENT CRITIQUE OF LAW: CULTURAL MORE THAN FINANCIAL

¶4. (SBU) When Poloff asked Samadov what was delaying passage of the law, Samadov replied, "There are big financing problems being considered" in establishing additional crisis centers for battered women in cities and district centers as mandated in the draft. He called for further study of the draft, as well as the general problem of domestic violence, declaring, "Our society is very traditional. We can't force the people to make changes overnight. And regarding the Rapporteur's remarks about women who are in jail for murdering their husbands, we cannot simply release these women. Society will not accept it."

¶5. (SBU) American Bar Association (ABA) attorney Joshua Friedman, working under a DRL-funded rule of law program, briefed the group on the ABA's proposed revisions to the draft law. Proposals include providing funding and registration details for both Crisis Centers and Centers for Medical-Social Rehabilitation of Victims of Family Violence; and specifying that officers have the authority to remove an offender from the

DUSHANBE 00001329 002.2 OF 002

family household and to require the offender to stay away from the victim. Friedman said the draft law should recognize, even if only implicitly by using the term "domestic violence," that the vast majority of violence within family and romantic relationships is perpetrated by men against women.

¶6. (SBU) While UNIFEM and NGOs in attendance praised the ABA's proposals, representatives of the working group preparing the draft law argued that their work should proceed slowly in a "passive, Muslim society." One member of the working group argued that the law should not be formulated to specifically benefit women, asking, "Why should women be granted special rights? Why should there be shelters only for women? Men are also beaten." He went on to suggest that the ABA's recommendations would lead to men getting kicked out of their homes. At times, criticism by government officials verged on the bizarre. After a legal expert delivered a presentation on the effective implementation of family law in Austria, a female Tajik MP countered, "Why would we take an example from Austria, when they lock their children in the basement to sexually abuse them?" (She was evidently referring to the 2008 Fritzl case.) She later added that government hydro-electric projects are a much higher priority than funding new shelters as part of the draft law.

GOVERNMENT OFFICIAL WALKS OUT AS PRO-FAMILY LAW MOTION PASSES

¶7. (SBU) At the close of the roundtable, organizers tabled a non-binding resolution to "agree to develop and adopt at the national level a law to fight against all forms of

discrimination against women and girls." During discussion of the resolution, in which NGO representatives forcefully argued for the need to pass a domestic violence law, Presidential apparatus representative Samadov walked out of the room in a huff. Yusuf Salimov remained behind with his hands on the table as the symbolic motion was passed by the majority.

18. (SBU) Tajikistan UNIFEM Director Nargis Azizova told Poloff that despite the walk-out, the roundtable was a success as it put the government on notice that the international community and local NGOs are following the family law issue and will continue to advocate for the law's passage. She said the main obstacle to passage of the law is not the government's inability to finance its provisions, but the opposition of a select number of high-ranking officials with traditional views. She called for more active engagement, especially from NGOs, to lobby for the law's passage.

19. (SBU) COMMENT: Based on the Neanderthal remarks of government representatives, it is clear that the biggest challenge to Tajikistan's draft domestic violence law is opposition by old school government officials. Embassy sources report that the Minister of Justice has been the biggest opponent to the bill and has prevented its submission to the Parliament for debate. It is encouraging, however, that local NGOs have begun to advocate for movement on the law. The November 24 report by Amnesty International should give them additional ammunition as they lobby against entrenched views. The government will need to be reminded that it should take concrete action by adopting the long-awaited domestic violence law, rather than touting toothless presidential decrees of gender equality. END COMMENT
QUAST